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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002916

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SUBJECT: AMBASSADOR REVIEWS ELECTION LAW OPTIONS WITH PM,  
OTHER POLITICAL LEADERS

Classified By: Political Minister Counselor Gary R. Grappo, for reasons  
1.4 b and d.

11. (C) Summary: After expressing condolences for the October 25 bombings, the Ambassador engaged in a sustained conversation with PM Maliki October 26 about possible compromises to break the impasse over the election law. The two agreed, with the concurrence of CG MNF-I, who also attended, that it was critical to hold the elections on time and also to signal publicly that the rules adopted for this election would not set a precedent for deciding the political status of Kirkuk. Also on October 26, the Ambassador met with VP Adil Abd al-Mahdi, VP Tariq Hashimi, Speaker Ayad Samarra'i, and Da'wa parliamentary bloc leader Ali al-Adeeb. Abd al-Mahdi reported that consensus had formed among members of the Presidency Councils around a single proposal for Kirkuk voting that involved using both the 2009 and the 2004 voter lists. An initial sounding with UNAMI by Pol M/C October 27 indicated that the SRSG and his elections assistance team had questions about whether the proposal could be implemented. Following the Ambassador's further consultations with elections experts October 28 that identified problematic political implications with the way the proposal would function when actually implemented, the Ambassador and SRSG Ad Melkert agreed to put aside the Abd al-Mahdi proposal and pursue other possibilities. A revised UNAMI-Embassy proposal began to get more traction November 1 (reported septel). End Summary.

POSTPONED ELECTIONS WOULD BE A DISASTER  
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12. (C) At an October 26 meeting with Iraqi PM Maliki, the Ambassador conveyed his condolences for the bombings the previous day that targeted the Ministries of Justice and Planning and the Provincial Council Building. Maliki and the Ambassador agreed that holding elections on time in January is critical. Maliki said that any delay would be a victory for those who wanted to derail Iraq's democratic process. The Ambassador concurred, and underlined that he and the Embassy, with CG MNF-I, were heavily engaged in pressing for rapid passage of an election law. "The elections will happen in January; it would be a huge mistake to allow them to be postponed," the Ambassador noted.

THIS ELECTION NOT A PRECEDENT FOR KIRKUK  
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13. (C) The Ambassador conveyed his understanding that later that afternoon, the Prime Minister, the DPM, and the Presidency Council would take up some 6-7 different proposals that the Political Council for National Security (PCNS) had recommended for consideration the previous night. He noted that the Embassy is working closely with UNAMI on the issue and was ready to get behind any workable solution the small group referred back to the PCNS, for eventual Council of Representatives (COR) action, as long as UNAMI found it feasible. Maliki and the Ambassador agreed that it should be made clear that the rules established for this election would not set a precedent for any future political decisions about

Kirkuk. The Ambassador offered to issue a statement along those lines if the PM thought it would be helpful. Maliki concurred with the suggestion. The Ambassador also noted the importance of making clear that the issue of Kirkuk would need to be decided by political consensus, not by a census politics fueled by deliberate efforts to shift the demographic playing field.

#### PM PROPOSES GOING BACK TO 2004 VOTER LIST

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¶4. (C) PM Maliki proposed using the 2004 voter registry, Q4. (C) PM Maliki proposed using the 2004 voter registry, rather than the current list, to determine voter eligibility in Kirkuk and possibly Mosul. The Ambassador and CG MNF-I both made the point that the proposal could disenfranchise up to several hundred thousand (Kurdish) voters. General Odierno highlighted that it would be worrisome -- and potentially pose security implications -- to set up a system in which on voting day large numbers of mostly young voters (who would have been registered since 2004) would not be allowed to vote.

#### VP LAYS OUT A COMPROMISE WITH LOTS OF BUY-IN

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¶5. (C) The Ambassador, CG-MNF-I and Pol M/C met Vice President Adil Abd al-Mahdi later October 26. He reported that an agreement has been reached among Iraqi leaders on an election law proposal that should satisfy the Kurdish and Arab-Turkomen sides regarding Kirkuk. He said the members of the three Presidency Councils -- President Talabani, Vice Presidents Hashimi and Abd al-Mahdi, Prime Minister Maliki,

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Speakers Samarra'i Attiyah and Tayfour -- had just adjourned and settled on a single proposal that would allow all Iraqis to vote at the same time on January 16 and settled the stalemate between Kurds and Arab-Turkomen from Kirkuk on the voter list in that province.

¶6. (C) Abd al-Mahdi explained the proposal as follows: IHEC would distinguish between the 2004 and 2009 voter lists and offer two ballot boxes in Kirkuk -- one for voters who appear on the 2004 list and one for voters who were added since. The results of the 2004 voter list would be counted as in every other province. The results of the 2009 list would count towards national compensatory seats until a committee could verify the newly added voters. If the committee verified the names, then those COR seats would represent Kirkuk; if not, then the votes would still remain valid but the COR member would remain a national compensatory COR seat. In this way, the committee could check the voter list without disenfranchising anyone or delaying the election in Iraq or in Kirkuk. Abd al-Mahdi predicted that the difference between the 2009 and 2004 list was about 360,000 names; therefore, three to four seats would be impacted by this committee, based on one COR seat per 100,000 Iraqis.

#### SPEAKER ELABORATES ON THE CONSENSUS PROPOSAL

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¶7. (C) Speaker Ayad Samarra'i told the Ambassador October 26 that he would convene a COR bloc leader meeting October 27 and hoped to bring the proposal up for a vote soon afterwards. When asked how the proposal got around specifically mentioning Kirkuk, Samarra'i explained two requirements would need to be met before a province would come under the two-ballot-box idea. First, the province must have experienced an increase in population greater than 5 percent per year between 2004 and 2009. Second, a given number of COR members must submit a request for the review committee and split ballot box. Samarra'i said he wanted that number to be 25 COR members while the Kurds wanted that number to be 50. These two conditions would probably only apply to Kirkuk, and possibly Ninewa, Samarra'i said. He

said what is key to the agreed proposal is that that the review committee would not hinder the electoral timeline and that all Iraqis would get to vote on January 16.

¶18. (C) Vice President Tariq al Hashimi told Ambassador, CG MNF-I, and Pol M/C on October 26 that the use of the Political Council for National Security (PCNS) to address election law deadlock was "encouraging" and that a "stumbling block had been removed." He repeated his commitment to holding elections on time.

¶19. (C) COMMENT: On October 27, UNAMI expressed considerable unease about the Abd al-Mahdi proposal, questioning whether it was technically feasible to implement. Following the Ambassador's further consultations with elections experts from UNAMI and IFES October 28 that identified problematic political implications with the way the proposal would function when actually implemented, the Ambassador and SRSG Ad Melkert agreed to put aside the Abd al-Mahdi proposal and pursue other possibilities. They further agreed that these options would be presented as "jointly" supported by the U.S. and UNAMI to the relevant Iraqi leadership beginning October

¶28. A revised UNAMI-Embassy proposal began to get more traction November 1 (reported septel).

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